

REMARKS

The Non-Final Office Action mailed August 18, 2009 considered claims 1-14. Claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pugaczewski, in view of Glaser, U.S. Patent No. 5,889,520 (filed Nov. 13, 1997) (hereinafter Glaser). Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pugaczewski in view of Glaser, and further in view of Richardson, U.S. Patent No. 7,146,568 (filed Aug. 6, 2001) (hereinafter Richardson).¹

By this response, claim 1 is amended such that claims 1-14 remain pending. Claims 1, 13, and 14 are independent claims which remain at issue. Support for the amendments may be found, *inter alia*, within Specification ¶¶ 0023-0026.²

Independent claims 1, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Pugaczewski and in view of Glaser.³ Independent claim 1 – which is also incorporated into independent claims 13 and 14 – has now been amended and the Applicants submit that the cited references fail to teach or suggest all the limitations of the claims as now presented.

In particular, the cited references fail to teach or suggest obtaining site attribute information corresponding to the two or more sites, the site attribute information being maintained and imported from one or more distributed application servers and the site information comprising site interconnection information. The cited references also fail to teach or suggest processing the site attribute information to obtain site application topological and management information, wherein processing the site attribute information comprises identifying through an iterative process all sites within the network, generating at least one connection object for each site, and identifying a directional flow for communications.

For at least the distinctions noted, *inter alia*, the Applicants submit that a rejection under 35 U.S.C. § 103(a) as being unpatentable in view of Pugaczewski and in view of Glaser would

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. No. 2005/0204290 (Sep. 15, 2005). It should also be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

³ Office Communication p. 2 (paper no. 20090816, Aug. 18, 2009).

be improper and should therefore be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of independent claims 1, 13, and 14 (as well as the respective dependent claims).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 18th day of November, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger". The signature is fluid and cursive, with the first name "Rick" and last name "Nydegger" clearly distinguishable.

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